

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	8:07CR303
vs.	)	
	)	<b>PRELIMINARY ORDER</b>
HARRY C. LAMPERT, JR.,	)	<b>OF FORFEITURE</b>
	)	
Defendant.	)	

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 57). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I, IV and V of said Indictment. Count I of said Indictment charges the Defendant with conspiracy to distribute methamphetamine, a violation of 21 U.S.C. § 846. Counts IV and V of said Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of the real property described as Lot 5 of County Addition to the City of Neligh, Antelope County, Nebraska, locally known as 102 East 11<sup>th</sup> Street, Neligh, Nebraska, a 2005 Harley Davidson motorcycle, VIN 1HD1JBB195Y015168, and a 2006 Harley Davidson motorcycle, VIN 1HD1GW1156K307413, on the basis they were used or were intended to be used to facilitate the Defendant's controlled substance violation and/or were derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

2. On April 28, 2008, an Order was entered (filing no. 53) effectuating the United States' acceptance of \$8,483.00 from Ms. Margaret Moss, the Defendant's mother and co-owner of the two motorcycles, in return for the United States' release of the two

motorcycles. This forfeiture action will proceed against the \$8,483.00 Ms. Moss tendered. That sum will replace the two motorcycles.

3. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 57) is hereby sustained.

B. Based upon Counts IV and V of the Indictment, the Defendant's plea of guilty and the Order entered April 28, 2008, the United States is hereby authorized to seize the \$8,483.00 tendered

by Ms. Moss and the following-described real property:

Lot 5 of County Addition to the City of Neligh, Antelope County, Nebraska, locally known as 102 East 11<sup>th</sup> Street, Neligh, Nebraska.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the

Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 20<sup>th</sup> day of May, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge